

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
PICTURE PATENTS, LLC,

Plaintiff,

v.

Civil Action No.  
07CV5567 (JGK)

AEROPOSTALE, INC., DICK'S SPORTING GOODS,  
INC., CHARLOTTE RUSSE, INC., GSI COMMERCE  
SOLUTIONS, INC., FOGDOG, INC., NATIONAL  
BASKETBALL ASSOCIATION, INC., NBA  
PROPERTIES, INC., NBA MEDIA VENTURES, LLC,  
MAJOR LEAGUE BASEBALL PROPERTIES, INC.,  
MLB ADVANCED MEDIA, L.P., LINENS 'N THINGS,  
INC., TWEETER HOME ENTERTAINMENT GROUP,  
INC., TWEETER NEWCO, LLC, INC., TWEETER OPCO,  
LLC, BUY.COM, INC.,

Defendants.

NOTICE OF  
MOTION TO  
ADMIT COUNSEL  
PRO HAC VICE

-----X  
PLEASE TAKE NOTICE THAT, pursuant to rule 1.3(c) of the Local Rules of the

United States District Courts for the Southern and Eastern Districts of New York, I,

BRIAN C. DUNNING, a member in good standing of the bar of the Court, hereby move

for an Order allowing the admission *pro hac vice* of

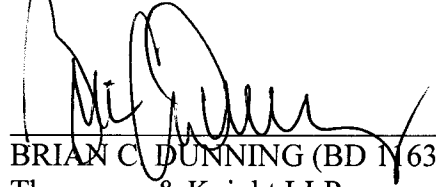
Applicant's Name: Herbert J. Hammond  
Firm Name: Thompson & Knight LLP  
Address: 1700 Pacific Avenue, Suite 3300  
City/State/Zip: Dallas, TX 75201  
Phone Number: 214-969-1607  
Fax Number: 214-880-3256

to act as counsel for defendant Buy.com, Inc. in this case.

There are no pending disciplinary proceeding against Herbert J. Hammond in any State or Federal court.

Dated: April 7, 2008  
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian C. Dunning", is written over a horizontal line.

BRIAN C. DUNNING (BD 11/63)  
Thompson & Knight LLP  
919 Third Avenue, 39<sup>th</sup> Floor  
New York, New York 10022  
Phone No. 212-751-3001  
Fax No. 212-751-3113

*Attorneys for  
Defendant Buy.com, Inc.*

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INC., TWEETER NEWCO, LLC, INC., TWEETER OPCO,  
LLC, BUY.COM, INC.,

AFFIDAVIT IN SUPPORT  
OF MOTION TO  
ADMIT COUNSEL  
PRO HAC VICE

Defendants.

-----X  
STATE OF NEW YORK     )  
                                  )     ss:  
COUNTY OF NEW YORK    )

BRIAN C. DUNNING, being duly sworn, hereby deposes and says as follows:

1. I am a partner of Thompson & Knight LLP, counsel for Defendant Buy.com, Inc. in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Buy.com, Inc.'s motion to admit Herbert J. Hammond as counsel *pro hac vice* to represent Buy.com, Inc. in this matter.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law on March 27, 1991. I am also admitted to the bar of the United

States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Mr. Hammond since 2006.

4. Mr. Hammond is a partner in the Dallas, Texas, office of our firm.

5. I have found Mr. Hammond to be a skilled attorney and a person of integrity.

He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

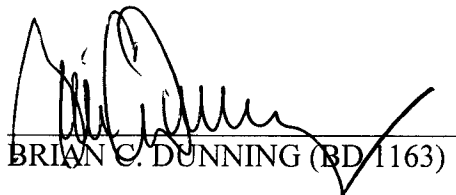
6. Accordingly, I am pleased to move the admission of Mr. Hammond, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Mr. Hammond, pro hac vice, which is attached hereto as Exhibit A.

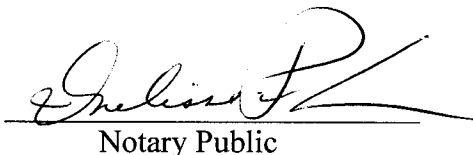
WHEREFORE, it is respectfully requested that the motion to admit Herbert J. Hammond, pro hac vice, to represent defendant By.com, Inc. in the above-captioned matter, be granted.

Dated: April 7, 2008  
New York, New York

Respectfully submitted,

  
BRIAN C. DUNNING (BD 1163)

Sworn to before me this  
7 day of April, 2008.

  
Notary Public

Ivellisse Poveda  
Commissioner of Deeds City of New York  
No. 1-6827  
Cert. Filed in New York county  
Commission Expires 4/1/10

UNITED STATES DISTRICT COURT  
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INC., NBA MEDIA VENTURES, LLC, MAJOR  
LEAGUE BASEBALL PROPERTIES, INC., MLB  
ADVANCED MEDIA, L.P., LINENS 'N THINGS,  
INC., TWEETER HOME ENTERTAINMENT GROUP,  
INC. TWEETER NEWCO, LLC, TWEETER OPCO,  
LLC, BUY.COM, INC.

AFFIRMATION OF  
HERBERT J.  
HAMMOND IN  
SUPPORT TO  
ADMIT PRO HAC  
VICE

Defendants.  
-----X

HERBERT J. HAMMOND, pursuant to Title 28, United States Code, § 1746,  
hereby declares as follows under penalty of perjury:

1. I am a partner in the law firm of Thompson & Knight LLP, 1700  
Pacific Avenue, Dallas, TX 75201.
2. I submit this affirmation in support of the motion for my admission  
to practice *pro hac vice* in the above-captioned case.
3. As shown in the Certificate of Good Standing attached hereto, I am  
a member in good standing of the Bar of the State of Texas.
4. There are no pending disciplinary proceedings against me in any  
state or federal court.

5. Wherefore, I respectfully request that I be permitted to appear as counsel for Defendant Buy.com, Inc.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 8, 2008.

  
HERBERT J. HAMMOND

# STATE BAR OF TEXAS



## Office of The Chief Disciplinary Counsel

April 03, 2008

RE: **Mr. Herbert J. Hammond**  
State Bar Number - **08858500**

To Whom it May Concern:

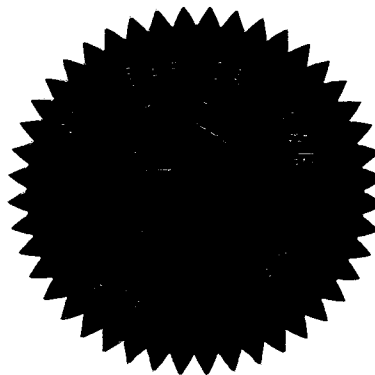
This is to certify that Mr. Herbert J. Hammond was licensed to practice law in Texas on February 14, 1977 and is an active member in good standing with the State Bar of Texas.

Good Standing means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

John A. Neal  
Chief Disciplinary Counsel

JN/dh



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INC., TWEETER HOME ENTERTAINMENT GROUP,  
INC., TWEETER NEWCO, LLC, INC., TWEETER OPCO,  
LLC, BUY.COM, INC.,

ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION

Defendants.

-----X

Upon the motion of BRIAN C. DUNNING, attorney for Defendant Buy.com, Inc., and  
said sponsor attorney's affidavit in support.

IT IS HEREBY ORDERED that:

Applicant's Name:	Herbert J. Hammond
Firm Name:	Thompson & Knight LLP
Address:	1700 Pacific Avenue, Suite 3300
City/State/Zip:	Dallas, TX 75201
Phone Number:	214-969-1607
Fax Number:	214-880-3256

is admitted to practice *pro hac vice* as counsel for Defendant Buy.com, Inc. in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing disciplining of attorneys. If this action is assigned to the Electronic Case



Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: April \_\_\_\_\_, 2008  
New York, New York

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United States District/Magistrate Judge

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INC., TWEETER HOME ENTERTAINMENT GROUP,  
INC. TWEETER NEWCO, LLC, TWEETER OPCO,  
LLC, BUY.COM, INC.

AFFIDAVIT OF  
SERVICE

Defendants.

-----X

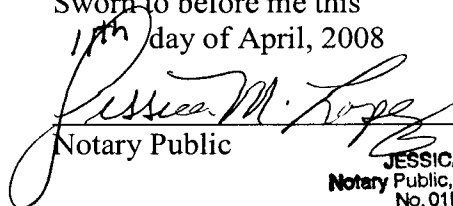
STATE OF NEW YORK     )  
                                      : ss.  
COUNTY OF NEW YORK    )

ORLANDO SALCEDO, being duly sworn, deposes and says that he is  
employed by Thompson & Knight LLP, is over the age of eighteen years, and is not a  
party to the within action.

On the 10<sup>th</sup> day of April, 2008 deponent served a true copy of Defendant  
Buy.com, Inc.'s Notice of Motion to Admit Counsel Pro Hac Vice by depositing same in  
an official depository under the exclusive care and custody of the United States Postal  
Service within the State of New York, contained in securely sealed postpaid wrappers  
addressed to See Attached Service List.

  
ORLANDO SALCEDO

Sworn to before me this  
10<sup>th</sup> day of April, 2008

  
Notary Public

JESSICA M. LOPEZ  
Notary Public, State of New York  
No. 01LO6016915  
Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires November 30, 2010

**PICTURE PATENTS, LLC v. AEROPOSTALE, INC.  
v. AEROPOSTALE, INC., et al.  
Docket No. 1:07-cv-05567-JGK  
SERVICE LIST**

***Attorneys for Plaintiff***

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